

NOTICE

This is a summary disposition issued under Alaska Appellate Rule 214(a). Summary dispositions of this Court do not create legal precedent and are not available in a publicly accessible electronic database. See Alaska Appellate Rule 214(d).

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

DANA M. SPINDLER,

Appellant,

v.

STATE OF ALASKA,

Appellee.

Court of Appeals No. A-12697
Trial Court No. 3PA-09-01418 CI

SUMMARY DISPOSITION

No. 0100 — January 2, 2020

Appeal from the Superior Court, Third Judicial District, Palmer,
Kari Kristiansen, Judge.

Appearances: Heather O'Brien, Gazewood & Weiner, PC,
Anchorage, for the Appellant. Ann B. Black, Assistant Attorney
General, Office of Criminal Appeals, Anchorage, and Kevin G.
Clarkson, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, and Wollenberg and Harbison,
Judges.

Following a bench trial, Superior Court Judge Kari Kristiansen found Dana
M. Spindler guilty of second-degree sexual abuse of a minor for touching eight-year-old

C.H.’s genitals and first-degree indecent exposure for exposing his genitals and masturbating in C.H.’s presence.¹ We affirmed Spindler’s convictions on direct appeal.²

Spindler filed an application for post-conviction relief. After holding an evidentiary hearing, Judge Kristiansen issued a twenty-seven-page order denying relief. The judge found that Spindler had failed to demonstrate that he received ineffective assistance of counsel or that he was prejudiced by any alleged ineffectiveness.

Spindler now appeals the denial of his application for post-conviction relief, raising a number of claims of error.

We have reviewed the record, including the court’s order. In her order, Judge Kristiansen carefully and systematically analyzed each of Spindler’s claims. The judge’s findings of fact are well supported by the record and her legal analysis is sound.³ We therefore conclude that Spindler failed to prove that his trial attorney’s performance fell below the minimum level of competency or that he was prejudiced as a result of his attorney’s performance.⁴

Accordingly, the judgment of the superior court is AFFIRMED.

¹ AS 11.41.436(a)(2) and AS 11.41.458(a)(1), respectively.

² *See Spindler v. State*, 2012 WL 880618 (Alaska App. Mar. 14, 2012) (unpublished).

³ *See State v. Simpson*, 946 P.2d 890, 892 (Alaska App. 1997) (“Whether an attorney’s performance constitutes ineffective assistance of counsel is a mixed question of fact and law.”) (citing *State v. Laraby*, 842 P.2d 1275, 1280 (Alaska App. 1992)).

⁴ *See Risher v. State*, 523 P.2d 421, 424-25 (Alaska 1974); *Tucker v. State*, 892 P.2d 832, 834 (Alaska App. 1995) (explaining *Risher*’s “two-prong standard” for evaluating ineffective assistance of counsel claims).